

**Municipal Review Committee  
Town Hall Auditorium**

**June 21, 2004  
7:00 p.m**

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Attendance: Phil Sgamma, Chairperson  
Dan Michnik, MRC Member  
Matt Balling, MRC Member  
Paul Shear, MRC Member  
Rich McNamara, MRC Member  
Lou Depowski, MRC Member  
Scott Bylewski, Town Board Liaison  
Jeff Grenzebach, Planning Board Liaison  
James Callahan, Ex-Officio Member, Dir. of Community Development  
James Hartz, Asst. Dir. Of Community Development  
Al Hopkins  
Mike Metzger  
Angelo Natale  
Neil Kochis  
James Blum

Minutes from meeting of May 18, 2004

ACTION: Motion by Paul Shear, seconded by Dan Michnik, that the board accept the minutes from the previous meeting.

VOTING: All Ayes.

MOTION PASSED

Agenda Item I – Natale Open Development Area

Jim Callahan gave a brief history of the project review. Neil Kochis, the project engineer, explained the wetland delineation that was done by Earth Dimensions. They presented an overlay site plan showing the proposed locations of the homes in relationship to the delineated wetland areas. The site is located within the 100-year flood plain and they would be raising a portion of the site. There are some existing trees toward the East of the parcel that they would preserve as a part of this site plan.

Phil Sgamma invited anyone from the public with comments on the project to come forward. James Blum, a resident of Martha's Vineyard, said that he has great respect for the developer who is proposing to build these homes. However, Mr. Blum said that the application is considered a variance under the Town's Subdivision Ordinance. He also said that under SEQRA law the Town has the obligation to consider effects on community character. Mr. Blum said that he feels that in order for this project to fit the essential character of the neighborhood this project should be no more than two lots and they should face Thompson Road. All of the houses between Roll Road and Clarence Center Road face Thompson Road directly. This is a strong neighborhood character issue as all of the residential lots face Thompson Road and they are all placed on the front of

their respective parcels. Mr. Blum said that he resides to the rear of this parcel and has more than a casual interest in this project. He said that the developer expressed an interest in preserving the forested upland trees in the rear of the property. To accomplish this, he would have to draw a line 300' from the rear property line for development. There is no Army Corps. of Engineers response to the wetland delineation report.

Neil Kochis said that they would have to preserve any of the wetland area on the project site. Angelo Natale said that they are planning to angle the first house toward Thompson Road and that they will be building four homes around 3,000-4,000 square feet. There is a development (Thompsonwoods Drive) in this stretch of Thompson just down the road.

Rich McNamara said that he does not believe that they should support putting homes in the rear yard privacy areas of the adjoining landowners.

**ACTION:** Motion by Matt Balling, seconded by Paul Shear, that the board recommend that the Town Board issue a negative declaration on this project based on the EAF and the wetland delineation prepared by Earth Dimensions with the following recommendations to the Planning Board:

- That the first house in the development face Thompson Road.
- That there be an easement placed on the rear property to protect the wetland and forested areas.

**VOTING:** Ayes: Sgamma, Balling, Shear, Michnik, Depowski.  
Nays: McNamara.

**MOTION PASSED.**

## **Agenda Item II – Visone 4-lot Open Development Area off Goodrich Road**

Paul Shear asked Jim Callahan for the Town Attorney's response to their question last month on segmentation. Al Hopkins and Mike Metzger were present to represent Visone Construction with their application. Mike Metzger said that Mr. Visone was planning on attending, but could not make it. The property is currently zoned Agricultural. They had a wetland biologist do a walk over and there were no wetlands found.

Matt Balling said that it was clear from the prior meeting that there is another project being proposed for the remainder of the property that may have an impact on this project. He believes that the project is segmentation under SEQRA.

Paul Shear said that it may be segmentation, but it is clear from both the Town Attorney and the SEQRA Handbook from the Dept. of State, that there may be permissible segmentation if certain criteria are met.

Mike Metzger said that Mr. Visone did submit an application for the remainder of the property, but it was mainly to apply before the moratorium vote. Mr. Visone was asked at the last meeting to provide a plan for the remainder of the property. He said that there have been several different ideas tossed around for the balance of the property, but they

are all speculative. One of the rules of segmentation is to determine whether or not these projects are interrelated, and it is clear they are not. This 4-lot open development is a stand-alone project.

Phil Sgamma said that he has walked the property and found that there is a landfill back there. How did the Town allow that to happen? Mike Metzger said that he did not know of any fill. He thought that it might be part of the office conversion and parking area at Main Street. Jim Callahan explained that the applicant has applied to the Town Board for a fill permit. Mr. Sgamma said that he is not in favor of this at this time, but would recuse himself from voting on the matter because he owns some adjoining property.

Mike Metzger said that it is clear from the Town Attorney's memorandum that the moratorium does not restrict the MRC from reviewing a project and making a recommendation. It is also clear that segmentation is permissible if it fits certain criteria and that you make that decision based on the facts. Matt Balling said that they have a duty to review the total impact from any future projects and he is not in favor of segmenting the review for this open development area when there is a plan to split lots off in the future.

Paul Shear said that there is no question that this is segmentation, but it may be permissible segmentation due to the fact that the other project may never happen or may never be tied into the 4-lot open development.

Phil Sgamma said that this four-lot open development area would establish a community character that would have to be met in the future. If the other properties were to be developed they would also have to be open development areas or the lots would have to be at least two acres in size.

**ACTION:** Motion by Lou Depowski, seconded by Dan Michnik, that the board recommend that the Town Board issue a negative declaration on the proposed action based on the EAF and that any future project that is proposed must go through a full environmental review.

**VOTING:**      Ayes:              Shear, Michnik, Depowski  
                     Nays:              Balling, McNamara  
                     Abstain:            Sgamma

**MOTION FAILED**

### **Agenda Item III – Expanded Type I Listing for the Town of Clarence**

**ACTION:** Motion by Dan Michnik, seconded by Rich McNamara, that the board recommend that the Town Board adopt the additional proposed actions (list attached) as Type I Actions under SEQRA.

**Voting:**              All Ayes.

**MOTION PASSED**

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There was some discussion over when to hold additional work sessions for the board.

The next meeting was scheduled for Monday July 19<sup>th</sup> at 7:00 p.m. with a 6:30 p.m. work session.

Meeting adjourned @ 9:00 p.m.